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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

NO. D-2997

DAVID WREN, M.D.
Certificate #G-22810

Respondent.

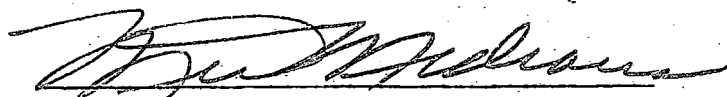
DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on July 6, 1983.

IT IS SO ORDERED June 6, 1983.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 DAVID M. GALIE
Deputy Attorney General
3 6000 State Building
San Francisco, California 94102
4 Telephone: (415) 557-0752

5 Attorneys for Complainant
6
7

8 BEFORE THE
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DIVISION OF MEDICAL QUALITY
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
13 Against:) No. D-2997
14 DAVID WREN, M.D.) STIPULATION
2600 MacDonald Avenue)
15 Richmond, California 94804)
License No. G-22810)
16 Respondent.)
17

18 IT IS HEREBY STIPULATED BY AND BETWEEN David Wren, M.D.,
19 (hereinafter "respondent") with the advice and consent of his
20 attorney Robert J. Glynn, Jr., Esq. and the Division of Medical
21 Quality, Board of Medical Quality Assurance (hereinafter
22 "Division") by and through its attorney David M. Galie, Deputy
23 Attorney General as follows:

- 24 1. That Accusation No. D-2997 against respondent is
25 presently pending before the Division.
26 2. That respondent is represented by Robert J. Glynn,
27 Jr., Esq. in this matter.

1 3. That respondent and his counsel have fully
2 discussed the charges and allegations in Accusation No. D-2997
3 and respondent has been fully advised of his rights concerning
4 this Accusation.

5 4. That respondent is fully aware of and understands
6 his right to a hearing on the charges and allegations in
7 Accusation No. D-2997; his right to reconsideration, to appeal
8 and any and all other rights which may be afforded to him under
9 the California Administrative Procedure Act and the laws of
10 the State of California as they may relate to Accusation
11 No. D-2997.

12 5. That respondent hereby fully and voluntarily
13 waives his right to a hearing, to reconsideration, to appeal
14 and any and all other rights afforded to him under the California
15 Administrative Procedure Act and the laws of the State of
16 California as they may relate to Accusation No. D-2997.

17 6. That respondent admits that he has engaged in
18 repeated acts of clearly excessive treatment in orthopedic
19 surgery as determined by the standard of the local community
20 during 1979 and 1980, in violation of Business and Professions
21 Code section 725, and that grounds for disciplinary action are
22 stated under that section.

23 7. That based on the foregoing recitals it is further
24 stipulated and agreed upon by the parties hereto that the
25 Division may issue a decision as follows:

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27 //

Certificate No. G-22810 issued to respondent David Wren, M.D., is revoked. However, revocation is stayed, respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

(a) Within sixty days of the effective date of this decision, respondent shall take and pass an oral clinical examination in orthopedics to be administered by the Division or its designee. If respondent fails this examination, he must wait three months between reexaminations, except that after three failures respondent must wait one year to take each necessary reexamination thereafter. The Division shall pay the cost of the first examination and respondent shall pay the cost of any subsequent examinations. If respondent does not take and pass this examination within 60 days of the effective date of the decision, he shall cease practicing medicine until he has passed this examination and has been so notified by the Division in writing.

(b) Within ninety days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division for its prior approval an educational program or course related to orthopedics, which shall not be less than forty hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for relicensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course.

1 (c) Respondent shall obey all federal, state and
2 local laws and all rules governing the practice of medicine in
3 California.

4 (d) Respondent shall submit quarterly declarations
5 under penalty of perjury on forms provided by the Division,
6 stating whether there has been compliance with all conditions
7 of probation.

8 (e) Respondent shall comply with the Division's
9 probation surveillance program.

10 (f) Respondent shall appear in person for interviews
11 with the Division's medical consultant upon request at various
12 intervals and with reasonable notice.

13 (g) In the event respondent should leave California
14 to reside or to practice outside the State, respondent must
15 notify in writing the Division of the dates of departure and
16 return. Periods of residency or practice outside California
17 will not apply to the reduction of this probationary period.

18 (h) Upon successful completion of probation,
19 respondent's certificate will be fully restored.

20 (i) If respondent violates probation in any respect,
21 the Division, after giving respondent notice and the
22 opportunity to be heard, may revoke probation and carry out the
23 disciplinary order that was stayed. If an accusation or a
24 petition to revoke probation is filed against respondent during
25 probation, the Division shall have continuing jurisdiction until
26 the matter is final, and the period of probation shall be
27 extended until the matter is final.

1 8. The parties hereto agree that the terms and
2 conditions set forth herein shall be null and void and not
3 binding upon them unless approved and adopted by the Division.

4 9. The parties hereto further agree that this
5 stipulation disposes of the following cases:

6 Providence Hospital Chart #79/[REDACTED]
7 #79/[REDACTED]
8 #79/[REDACTED]
9 #80/[REDACTED]
10 #80/[REDACTED]
11 #80/[REDACTED]
12 #79/[REDACTED]
13 #80/[REDACTED]
14 #79/[REDACTED]

15 10. This stipulation is binding only on the parties
16 hereto and has no force or effect in any civil litigation
17 involving other parties.

18
19 DATED: 3/30/83

David Wren, M.D.
DAVID WREN, M.D.
Respondent

21
22 DATED: 3/30/83

Robert J. Glynn, Jr.
ROBERT J. GLYNN, JR., Esq.
Attorney for Respondent

24
25 DATED: 3/31/83

David M. Galie
DAVID M. GALIE
Deputy Attorney General
Attorney for Complainant

COPY

1 GEORGE DEUKMEJIAN, Attorney General
2 of the State of California
3 DAVID M. GALIE
4 Deputy Attorney General
5 6000 State Building
6 San Francisco, California 94102
7 Telephone: (415) 557-0752

8 Attorneys for Complainant

9 BEFORE THE
10 BOARD OF MEDICAL QUALITY ASSURANCE
11 DIVISION OF MEDICAL QUALITY
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation)
14 Against:) No. D-2997
15 DAVID WREN, M.D.) ACCUSATION
16 2600 MacDonald Avenue)
17 Richmond, California 94804)
18 License No. G-22810)
19 Respondent.)

20 Comes now ROBERT G. ROWLAND who charges and alleges
21 as follows:

22 1. He is the Executive Director of the Board of
23 Medical Quality Assurance, State of California (hereinafter
24 referred to as the "Board") and makes these charges and
25 allegations in his official capacity as such and not otherwise.
26 All section references are to the Business and Professions Code
27 unless otherwise noted.

28 2. Certificate No. G-22810 was issued by the Board on
29 July 26, 1972 to David Wren, Jr. (hereinafter referred to as

1 "respondent") and is in good standing and in full force and
2 effect.

3 3. From on or about June of 1979 to and including
4 January 10, 1980 (date of death) respondent undertook to care
5 for, prescribe for, examine, treat, diagnose, prognose, x-ray,
6 perform surgery upon and provide follow-up care for patient
7 Leyland F. [REDACTED], age 56. Respondent admitted this patient on
8 July 30, 1979 with a diagnosis of advanced rheumatoid arthritis
9 with spinal cord impingement at levels T-12 and L-3. The spinal
10 cord impingement resulted from the collapse of T-12 and L-3 and
11 4 with displacement of the vertebrae into the spinal canal.
12 The patient also had a severe thoraco-lumbar kyphotic deformity.
13 The patient was not paralyzed.

14 4. Respondent recommended and undertook corrective
15 surgery on this patient on August 1, 1979. This elective
16 surgical procedure included:

- 17 1. decompressive laminectomy at T-11-12,
18 L-3-4;
- 19 2. bilateral complete discectomy at T-11-12,
20 L-3-4;
- 21 3. bilateral foraminectomy at T-11-12;
22 L-3-4-5;
- 23 4. posterior spinal osteotomies through facet
24 joints T-11 to L-1;
- 25 5. intra-body fusion L-3-4;
- 26 6. Harrington Rods T-9 to the sacrum; and
27 7. posterior lateral bone graft T-10 to L-5.

1 5. This patient had function and sensation of the
2 lower extremities until August 8, 1979 when it was noted that
3 there was no lower extremity motor function, which was followed
4 by numerous complications which included fever, confusion and
5 one episode of respiratory arrest. Because of increasing
6 difficulty in breathing a tracheostomy was performed.
7 The patient continued a progressive downhill course. The
8 patient died January 10, 1981 after a five month hospitalization.

9 6. Doing the elective surgery on this patient as
10 alleged in paragraphs 3 and 4 constitutes gross negligence and
11 incompetence in the practice of medicine and is unprofessional
12 conduct under sections 2234(b) and 2234(d). Grounds for
13 discipline are stated under those sections in conjunction with
14 section 2227.

15 SECOND CAUSE FOR DISCIPLINARY ACTION

16 7. Complainant incorporates herein by reference the
17 charges and allegations contained in paragraphs 1 through 6.

18 8. From on or about November 19, 1979 through and
19 including February 29, 1980 (the date of death) respondent
20 undertook to care for, prescribe for, examine, treat, diagnose,
21 prognose, x-ray, perform surgical procedures upon and provide
22 follow-up care for patient Gwendolyn B. [REDACTED], age 33. Respondent
23 admitted this patient to the hospital on January 9, 1980 and
24 on January 11, 1980 performed lumbar laminectomy and discectomy
25 at L-4-5 and L-5-S-1 levels. Respondent performed a
26 posterior lateral fusion reinforced with Knodt rods from
27 L-4 to the sacrum. The patient was discharged in a body cast

1 on January 22, 1980. On February 15, 1980 respondent readmitted
2 the patient because of persistent low back pain and bilateral
3 leg pain. By history, the patient had become increasingly
4 more irritable which was verified by members of patient's
5 family and fiancée. Following a lumbar myelogram further
6 decompressive surgery was recommended on February 25, 1980.
7 On February 26, 1980 the patient began to have headaches and
8 became lethargic. On February 27, 1980 her breathing became
9 more difficult, her lethargy had failed to improve and she
10 was difficult to arouse. A lumbar puncture was performed
11 confirming the presence of bacteria. The patient's course was
12 progressively and rapidly downhill. She died on February 29,
13 1980.

14 9. Respondent failed timely to evaluate, consult and
15 treat the complications arising after surgery, which
16 complications resulted in the death of his patient. This conduct
17 constitutes gross negligence and incompetence in the practice
18 of medicine. Gross negligence is unprofessional conduct under
19 section 2234(b) and incompetence is unprofessional conduct
20 under section 2234(d). Grounds for discipline are stated under
21 those sections in conjunction with section 2227.

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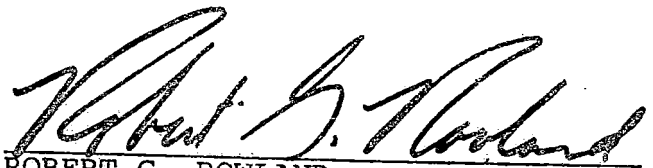
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27 //

1 WHEREFORE, complainant prays that a hearing be held
2 and that respondent's license be suspended, revoked, or that
3 such other action be taken by way of discipline as may be deemed
4 proper.

5 DATED: December 23, 1982



ROBERT G. ROWLAND
Executive Director
Board of Medical Quality
Assurance
State of California

Complainant